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09/965,224	09/27/2001	Richard Qian	42390P11775	3860

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/965,224	Applicant(s) QIAN, RICHARD	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Prosecution Reopened

In view of the Appeal Brief filed on 9/9/2004, PROSECUTION IS HEREBY REOPENED. New prior rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claims Status:

Claims 1-57 are pending. Claims 1-57 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-16, 18-25, 29-35, 38-44, 48-54, 56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2004/0268390 issued to Ibrahim Sezan et al (hereafter Ibrahim Sezan).

Claims 1, 10, 20, 29, 39 and 48:

Ibrahim Sezan discloses:

a personalization engine [Fig 1, 20, Fig 2, 48, Fig 23, Fig 24, Fig 22] to create personal preference information from a user [Fig 1, 14, Fig 2, 48, Fig 23] regarding a content [Fig 2, 38], the personal preference information being represented in a description compatible with a content analyzer [Fig 2, 42] in an edge server [Fig 2, 16]

a content scheduler [Fig 2, 52] coupled to the personalization engine to schedule delivery of the content from the edge server and uploading [Fig 2, 44 and 52] of the personal preference information to the edge server

a content filter coupled to the content analyzer to filter the content using the extracted description and the personal information for delivery to the user [Fig 2, 52]

Claims 2, 21 and 40:

Ibrahim Sezan discloses a local storage [Fig 2, 50] to cache the content delivered from the edge server and a content manager [paragraph 53, Fig 2, 42, 44, 52] coupled to the local storage to manage the cached content

Claims 3, 13, 22 and 41:

Ibrahim Sezan discloses wherein the description is compatible with a metadata associated with the content [paragraph 222, Fig 26]

Claims 4, 14, 23, 33, 42 and 52:

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Ibrahim Sezan discloses MPEG-7 [paragraph 222]

Claims 5, 24 and 43:

Ibrahim Sezan discloses a deduction engine to deduce the personal preference information based on user's usage [usage history, paragraph 46, Fig 23]

Claims 6, 25 and 44:

Ibrahim Sezan discloses an input interface to obtain personal preference information provided by the user [Fig 82]

Claims 11, 30 and 49:

Ibrahim Sezan discloses a content assembler to assemble the filtered content using the description into a packaged content according to an assembly criterion and a content distributor coupled to the content assembler to distribute the packaged content to the user based on delivery information provided by the home server [Fig 1, paragraph 40]

Claims 12, 31 and 50:

Ibrahim Sezan discloses web content [Fig 2, 38]

Claims 15, 34 and 53:

Ibrahim Sezan discloses a semantic topic [paragraph 55]

Claims 16, 35 and 54:

Ibrahim Sezan discloses scheduled time, quality of service and transmission bandwidth [paragraphs 38, 62 and 232]

Claims 18, 32, 51 and 56:

Ibrahim Sezan discloses a metadata creator to create a metadata associated with the content [Fig 13, step 408].

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Claims 19, 38 and 57:

Ibrahim Sezan discloses a matcher to match the description with the personal preference information [paragraph 68]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 26, 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibrahim Sezan in view of Pub No US 2002/0032772 issued to Olstad et al (hereafter Olstad).

Claim 7:

Ibrahim Sezan discloses the elements of claims 1 and 2 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claim 26:

Ibrahim Sezan discloses the elements of claim 21 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claim 28:

The combination of Ibrahim Sezan Olstad and Crump discloses the elements of claims 1, 2, 7 and 8 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claim 45:

Ibrahim Sezan discloses the elements of claims 39 and 40 as noted above, and furthermore, regarding claim 45, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

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Claims 8, 9, 27, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ibrahim Sezan and Olstad and further in view of in view of US Pat No 5,638,531 issued to Crump et al (hereafter Crump).

Claim 8:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 1, 2, and 7 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decoder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 9:

The combination of Ibrahim Sezan Olstad and Crump discloses the elements of claims 1, 2, 7 and 8 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claim 27:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 21 and 26 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decoder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of

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Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 46:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 39, 40, and 45 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 47:

The combination of Ibrahim Sezan Olstad and Crump discloses the elements of claims 39, 40 and 45 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claims 17, 36, 37, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibrahim Sezan in view of Pub No US 2003/0093790 issued to Logan et al (hereafter Logan).

Claim 17:

Ibrahim Sezan discloses the elements of claims 10 and 13 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 36:

Ibrahim Sezan discloses the elements of claims 29 and 32 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata paragraph 59].

Claim 37:

Ibrahim Sezan discloses the elements of claims 29 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 55:

Ibrahim Sezan discloses the elements of claims 48 and 51 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the

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purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Response to Arguments

Applicant's arguments filed with appeal Brief have been considered and found to be partially persuasive. Examiner maintains that the formerly cited prior art discloses that content of received documents is analyzed and stored. Subsequently, the stored information could be retrieved by a user based on the preferences entered by the user. However, to make a clearer case for the prosecution record, examiner provides above rejection based on prior art which more accurately matches applicant's field of endeavor and thus provides a better match of the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703)

872-9306

Etienne LeRoux

3/4/2005



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